

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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Re

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/787,271 01/24/97 CISAR

A LYNN/0020

IM52/0608

EXAMINER

JEFFREY L. STREETS
PATTERSON & STREETS, L.L.P.
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HOUSTON TX 77056

MAPLES, J

ART UNIT

PAPER NUMBER

1745

DATE MAILED:

06/08/99

PA

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.	Applicant(s)	
081789,271	CISAR ET AL	
Examiner	Group Art Unit	
JOHN S. MARCUS	1745	

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

Responsive to communication(s) filed on 3/31/99

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

Claim(s) 1, 2, 5-44 is/are pending in the application.

Of the above claim(s) 27-29 is/are withdrawn from consideration.

Claim(s) 1, 2, 5, 6, 17-25, 31-38, 40, 41 is/are allowed.

Claim(s) 7, 8, 13-15, 30, 39 42-44 is/are rejected.

Claim(s) 9-12, 16 is/are objected to.

Claim(s) _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The proposed drawing correction, filed on _____ is approved disapproved.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

Information Disclosure Statement(s), PTO-1449, Paper No(s). _____ Interview Summary, PTO-413

Notice of References Cited, PTO-892 Notice of Informal Patent Application, PTO-152

Notice of Draftsperson's Patent Drawing Review, PTO-948 Other _____

Office Action Summary

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~~1.~~ Claims 7, 8, 13-15, 30, 39 and 42-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Rao et al. (Rao) (New Rejection with regard to claims 42-44)

Reference is made to the Abstract of Rao along with column 6, lines 43-61, Figures 1-4 along with corresponding text.

Applicant's arguments have all been considered but are not deemed persuasive. The gas impermeable material disclosed by Rao is the glass fiber. In addition, even though the material in Rao may be different than that of applicant, because Rao teaches such, the above referenced claims are anticipated.

A further argument by applicant is that Rao is not concerned with flowfields. The examiner respectfully disagrees. First of all, the term flowfield is a very broad term and has numerous meanings. In addition, a flowfield could be the glass material of Rao or the flowfield could be space between the glass fibers. Either reading of the reference to Rao would be proper and would anticipate the claimed subject matter.

Finally, applicant argues that the problem to be solved by applicant and that solved by Rao are different. Again, this may be true, however, Rao discloses the claimed subject matter and so the claims are anticipated by Rao, even if drawn to different solution.

2. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John S. Maples whose telephone number is (703) 308-1795. The examiner can normally be reached on Monday-Friday from 6:30 to 4:00. The examiner can also be reached on alternate Wednesdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Maria Nuzzolillo, can be reached on (703) 305-3776. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3599.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

JSM/June 7, 1999

John S. Maples
JOHN S. MAPLES
PRIMARY EXAMINER
GROUP 1745